MITCHELL MUNICIPAL GROUP, P.A.

ATTORNEYS AT LAW
25 BEACON STREET EAST
LACONIA, NEW HAMPSHIRE 03246
www.mitchellmunicipalgroup.com

WALTER L. MITCHELL LAURA A. SPECTOR-MORGAN NAOMI N. BUTTERFIELD JOSEPH H. DRISCOLL, IV

TELEPHONE (603) 524-3885

Brendon O'Donnell, Esquire Donahue, Tucker & Ciandella, PLLC PO Box 630 Exeter, NH 03833 May 13, 2021

AUG 0 9 2021

Re: 2A Tactical, Barrington, New Hampshire

LAND USE OFFICE

Dear Brendon:

Please be advised that this firm represents the Town of Barrington. The town has forwarded me your April 26, 2021 letter. John Huckins will be sending your client a notice of violation directly, but I thought it would be helpful if I also responded to your letter.

Your first contention is that the town has not identified the violations on the property; and further, that the use is in conformance with the town's zoning ordinance. Before I address the terms of the ordinance, let's review the approvals. In July, 2015, Mr. Russell proposed a home occupation performing gunsmithing services. He averred that there would be no signage, no type of retail or customer area, and very little added traffic to his residence. He also provided a plan, illustrating that he would use approximately one quarter of his basement to perform this work. That application was approved, "based upon plans and/or specifications submitted." See materials attached as Exhibit A, attached. In 2018, Mr. Russell sought a change to his Certificate of Occupancy, allegedly so that he could have "greater flexibility" in what he did. He asked that the wording on the certificate of occupancy be changed from "gunsmithing business" to "firearms gunsmithing and manufacturing." He represented that "since the last permit application we've expanded somewhat, but no large differences." In reliance on this information, the town issued the requested revised certificate of occupancy.

In 2020, the town received complaints of parking in the road. At that time, town officials met with Mr. Russell and, apparently, everyone, including your client, agreed that 2A Tactical had exceeded the limits of a Home Occupation. The town agreed to take no legal action for 6 months to allow Mr. Russell to relocate his business, either by constructing a new building or renting an appropriate commercial space. See materials attached as Exhibit C. At that time, the town did note that there were parcels for sale in town, but certainly did not indicate that the only manner in which Mr. Russell could come into compliance would be to buy one of those and build a new facility. He, of course, could have appealed the administrative decision, applied for a variance and site plan approval, brought the business back into compliance, or rented a new space for the business. He decided to do none of that, and instead continued operating his business from his home.

2A Tactical is no longer a small gunsmithing shop operating in the corner of Mr. Russell's basement. It appears that Mr. Russell is using his entire basement for his

Brendon O'Donnell, Esquire May 13, 2021 Page 2

operation, as well as his garage and backyard. There are at least four storage trailers on the property, and Mr. Russell also has a heated tent outside in which customers gather before the shop officially opens. Moreover, despite Mr. Russell's representations that there would be no retail or customer area, 2A Tactical has clearly become a retail establishment. It sells ammunition, silencers, and guns. It has a Test Fire Room for customers to hear the silencers it sells with live ammunition. It buys shot brass from customers and processes it to be resold. There are signs throughout the tent and backyard. It offers classes to build Armalite Rifles. See materials attached as Exhibit D, taken from 2A Tactical's website and facebook page.

Not only do these activities violate the certificate of occupancy which was issued by the town, but they also violate the zoning ordinance. A home occupation is defined as a use conducted entirely within a dwelling that is clearly incidental and secondary to the use as a dwelling, which does not change the character of said dwelling or its neighboring environment. Mr. Russell's alleged home occupation is not being conducted within the single family dwelling, nor is it incidental and secondary to the use as a dwelling. It is open to the public from 10 am to 5:30 or 6 pm during the week and until 4 pm on Saturdays, and in fact, the heated tent opens at 9 am to allow customers to begin lining up. The requirements for a home occupation also require that the business not be objectionable and detrimental to the residential character of the neighborhood. Mr. Russell's business is detrimental to the residential character of the neighborhood given the traffic it generates.

I trust this clarifies for you what specific issues Mr. Russell must correct to bring his business into compliance without having to relocate the business.

I also wanted briefly to touch on the issues you raise regarding Mr. Royce. Mr. Royce is the town's appointed treasurer. Of course, he does not lose his rights as a citizen by assuming such a position. He may contact code enforcement with concerns just as any other citizen may, and code enforcement treats his complaints no differently than those from other citizens. I agree that Mr. Royce should not be using his town e-mail for any communications in his personal capacity, and he has been so counseled.

The town has tried to work with Mr. Russell to allow him a reasonable time to address the violations on his property. He did not avail himself of that window, instead waiting until the 6 month period which he was allowed to retain you and seek yet another 18-24 months to operate his commercial operation in a residential neighborhood. The town does not relish litigating with its residents, however, should Mr. Russell fail to come into compliance with his approvals, applying for and receiving a variance and site plan approval, or relocating the business, you will leave it with few other options.

AUG 09 2021

LAND USE OFFICE

Sincerely.

laura@mitchellmunigroup.com



Rose Charles Visas D

AUG 0 9 2021



John Huckins <barringtondepbl@gmail.com>

RE: Question about Home Occupation Notice

1 message

Robert Russell <robertwrussell@metrocast.net> To: John Huckins <barringtondepbi@gmall.com>

Thu, Jul 9, 2015 at 11:32 AM

John,

Please see my attached sketch of the approximate shop / work area of my proposed home business.

I read the town rules and I can say that not only will I not be in violation of these, but I believe that my small side business will have zero negative impact on our neighborhood as I plan no signage, no type of "retail" or "customer" area and in fact I plan to pick up most of my work at local firearm stores. So there will also be very little added traffic at my residence.

So to paraphrase what I am proposing to do:

I am a 23-year-veteran of the Army National Guard and a Combat Veteran of Afghanistan. While I am not currently serving as a police officer, I have approximately 13 years in law enforcement and I have served as an armorer in the past. I am presently a fully disabled Veteran from wounds I sustained overseas. I am permitted to make a limited income in my current capacity.

I am proposing to start a small business doing gunsmithing. I already have a good level of knowledge in the area of gunsmithing and to do this as a part time job is a natural progression. I have already reached an agreement with a local gun store to take in work from their business to bring home and work on at my residence. It is my goal to have minimal customers actually come to my residence, although certainly some will from time to time. In order to legally do guinsmithing I am also obligated to obtain a Federal Firearms License, something that I am presently working on. In order to even send the application for the FFL, I need to have a letter from the town showing that I am not in violation of any zoning or ordinances.

I will have a workshop area in my basement which will consist of a number of work benches and several shop tools such as a drill press. No furnes, odors or unreasonable noise and the like will be generated by the work that I do.

AUG 0 9 2021

Please let me know if you have any questions or would like to come out and see the area of my basement that I am talking about.

-Robert Russell

99 Tolend Road

Barrington NH 03825

603-332-9511

Russell House Shop Plan 99 Tolend Road.pdf 14K



1 STARMENTS X 11114

RECEIVED

AUG 0 9 2021



Town of Barrington Code Enforcement/Building Department

P.O. Box 660 Barrington, NH 03825 603-664-5183



CERTIFICATE OF OCCUPANCY

No. 15-52 Date: 7/9/15

This certifies that the residence located at Map: 220 Lot: 0054 99 Tolend Road may be occupied and has been approved for a home occupation/gunsmithing business.

This Certificate of Occupancy has been issued based upon plans and/or specifications submitted, inspections made during construction and other information (photos) and/or engineering data, (whether required or not); and appears to be to the best of our belief and knowledge, in accordance with all the applicable provisions of the state of NH Building Code and/or and Town of Barrington Regulations in effect at the time issued.

This certificate issued to: Robert Russell 99 Tolend Road Barrington, NH 03825

Sincerely,

John Huckins

Code Enforcement Officer

John Phishins

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AUG 0 9 2021



AUG 09 2021



2A Tactical, LLC Precision Gunsmithing

99 Tolend Road Barrington NH 03825 Work: 978-833-1215 Fex: 603-948-1519 2atactical@metrocast.net www.2atacticalnh.com 01 FFL, Fully Insured FFL# 6-02-017-01-8K-02593

04SEP2018 John Huckins, Town of Barrington Building Inspector,

John,

Roughly 3 years ago you issued my business a permit for a home occupation for a "Gunsmithing business." As a fully disabled Veteran, this business has done well and has provided an income for me and my family. I am pleased to tell you that the business is doing well and we are currently in the process of applying for a new Federal Firearms License with the BATFE. The license that we are applying for is what is called a Class 07 FFL Manufacturer.

This change in type of licensure will give us greater flexibility in what we do and allow us to comply with all applicable laws. I have reviewed the limitations set by the town and I can tell you that we will be in compliance with all town ordinances.

In order to satisfy the BATFE, I am kindly requesting that our permit allow the following activity In this wording if possible:

"Firearms Gunsmithing and Manufacturing" THIS WORDING IF POSSIBLE PLEASE

Thank-you and please let me know if you need anything further.

Robert Russell Owner.

2A Tactical LLC

RWR 9-10-18 * SINCE THE UST PRIMIT APPLICATION WEVE

KRAWDED SOMEWHAT, BUT NO LARGE IFFLANCES *

RECEIVED

AUG 0 9 2021



Town of Barrington

Code Enforcement/Building Department
P.O. Box 660
Barrington, NH 03825
603-664-5183

CERTIFICATE OF OCCUPANCY

No. 15-52 Date: 9/6/18

This certifies that the residence located at

Map: 220 Lot: 0054-16 99 Tolend Road

may be occupied and has been approved for a home occupation/Firearms Gunsmithing
and Manufacturing.

This Certificate of Occupancy has been issued based upon plans and/or specifications submitted, inspections made during construction and other information (photos) and/or engineering data, (whether required or not); and appears to be to the best of our belief and knowledge, in accordance with all the applicable provisions of the state of NH Building Code and/or and Town of Barrington Regulations in effect at the time issued.

This certificate issued to: Robert Russell 99 Tolend Road Barrington, NH 03825

Sincerely,

John Huckins

Code Enforcement Officer

HUCKING 1A.M.

RECEVED

AUG 0 9 2021



Town of Barrington Code Enforcement/Building Department P.O. Box 660

P.O. Box 660 Barrington, NH 03825 603-664-5183

Home Occupation for 2A Tactical, 99 Tolend Road

The original C/O for the Home Occupation was issued July 9,2015

Home Occupation was updated September 6,2018 to comply with Firearm Rules.

Received complaints of parking in road July 2020.

A group effect with the Town Administrator, Police Chief, Road Agent and myself, working with Rob from 2A Tactical about the parking issue it became obvious that they had exceeded the limits of a Home Occupation.

November 17, 2020 there was an agreement made with Rob that if he did not expand any more, the Town would not take legal action against him for six (6) months, giving him a chance to move to a new location.

John Huckins

Zoning Administrator

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AUG 0 9 2021

Conner MacIver

From:

Rob Russell <rob@2atac.com>

Sent:

Tuesday, November 17, 2020 8:45 AM

To: Cc: John Huckins Conner MacIver

Subject:

RE: Home occupation

John and Connor,

Thank-you again for allowing me the time figure this out. I had already developed a rough business plan to get out of my home to a proper location in approximately 10-12 months. I will now do my best to redevelop it to a 6 month plan. I am very interested in that land, I just don't know if I can physically plan, design and build a stick building in six months. Might be close.

I will do the best about the parking, but sometimes folks just park where they want. As you and I discussed, whenever neighbors call about parking issues, which is extremely rare, as in maybe once every month, I respond immediately and rectify the situation. I will keep an eye on the parking.

With the recent suicide of my second in line, it's been a very rough several weeks here. I can assure you that I take this very seriously and I will do our absolute best to meet the 6 month deadline.

For what it's worth, nine of my employees are Veterans, and of those nine, all but just a couple of them are Fully or Partially Disabled. One of my employees was shot in my face in Iraq and another was blown up. I myself was hit by two IED explosions in the same incident and am now an epileptic for the rest of my life due to my Traumatic Brain Injury. Why am I telling you this? Because I don't have a business degree. I was a cop in Dover. I have a Bachelors in Science of Law Enforcement. I never expected or even imagined my business would grow the way it has. I didn't hire any consultants or anything. I've had to make everything up by design as I've gone along. I know 2A Tactical has grown to beyond the capacity of my neighborhood. But you have to understand that many of the guys and gals that I employ, the Veterans, by their own admission, could not hold jobs working for a "normal" employer. Veterans working with Veterans is considered often one of the best therapy groups out there. And now just weeks after one of my guys blew his brains out, the potential ripple effect cannot be underestimated, especially with an at risk group such as this.

In six years I haven't paid myself yet, but I have emptied many of my own personal retirement accounts and taken big penalty hits. I have invested all profits back into my business. I take such a huge responsibility in taking care of my guys, paying them extremely well and watching out for their health and wellbeing. The average starting wage for a "gun store" employee in this area is around \$10-11 / hr. My starting rate, depending on experience, is \$14-17 / hr for a general sales person. I consider that a much better "living" wage than \$10-11 / hr. Listen, I'm not asking for a pat on the shoulder. I'm just trying to say that I've somehow, by God's Grace, managed to cobble something together here. And I am blessed with this amazing team of men and women. I've spoken to realtors who keep telling me about commercial space in Rochester, Somersworth, Dover and more. And I keep telling them the same thing, that I want to stay in Barrington. I know I'm technically barely a Barrington Baby at 15 years (I think it's been 15 years now.) But we love Barrington, we've met and have grown to know so many great people here, and I just want to keep my business close to my home and in my community.

Thank-you for your time and patience.

-Rob

Robert W. Russell



EXHIBIT D

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AUG 0 9 2021

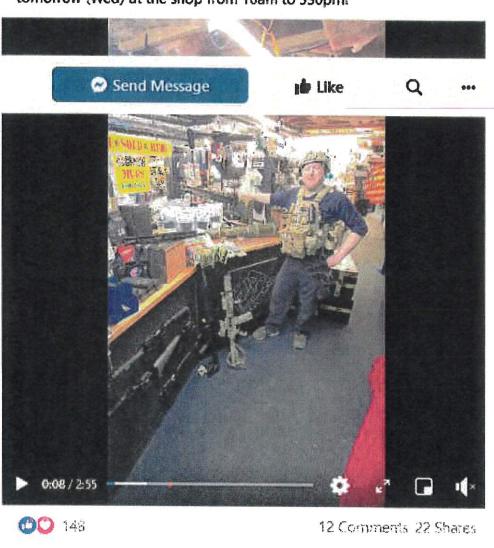


LAND USE OFFICE



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Rob makes history and issues Executive Order 556 effective all day tomorrow (Wed) at the shop from 10am to 530pm!

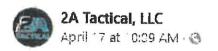


g) Uke () Comment

A Share



AUG U 9 2021



杨雄岛

The ammmmoo shelves are stocked and ready to go. Smokes are lined up and the 80percent aye are receivers are still here. Get down to 2A today. We have 9 milli, 223 freedom pellets, 40, 357, even 308 on the shelves. Call or come down for more info.



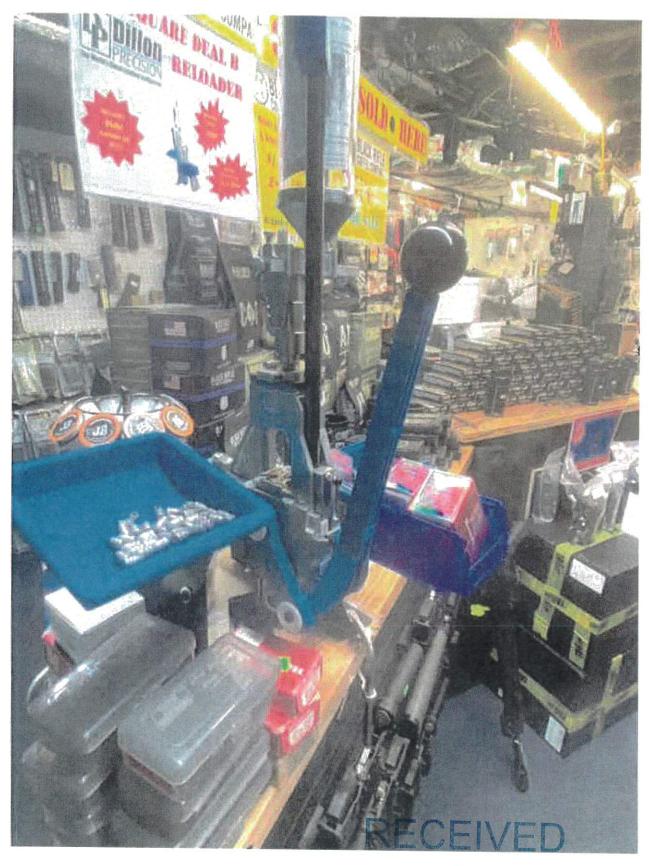




AUG 0 9 2021



AUG 0 9 2021

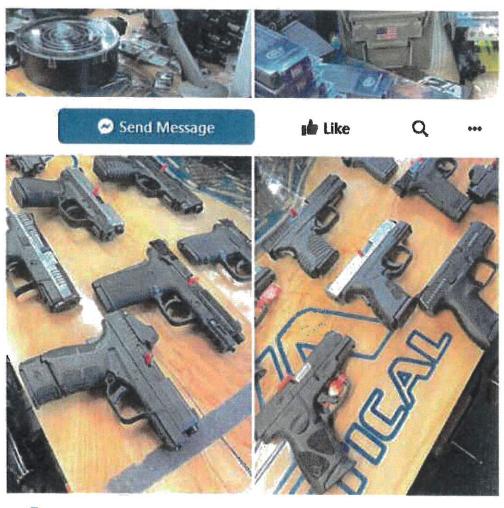


AUG 0 9 2021



キウサ

Come on down to 2A today to check out the new shipment of Pistols. Pienty of freedom pellets to go around for them as well.



43

10 Comments 2 Shares





Flash sale!!!! Prices reduced. Today only! Buy any 12 gauge shot goon and get a FREE 5 pack of dragons breath. Muricall



Send Message















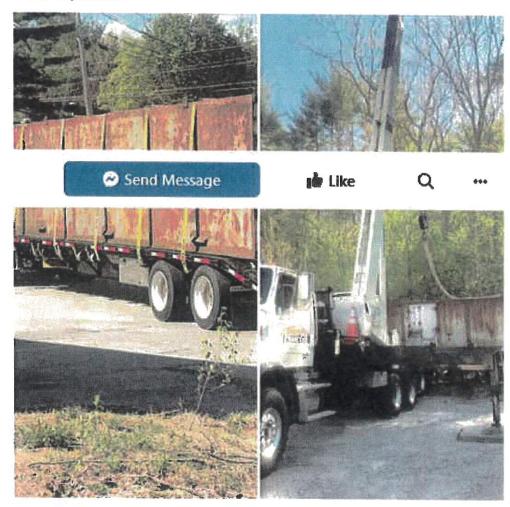




AUG 0 9 2021



What is that rusty-looking container you ask... Well, it is the NEW 2A Tactical ATF-Approved Explosives and Powder Magazine. Thick-steel & wood... over 20-tons of storage!! Wait until you see it cleaned up and repainted!



QQ 8 70

3 Comments 1 Share

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AUG 0 9 2021



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HUGE RELOA DING SALE TOMORROW (Sat) 10am to 4pm?

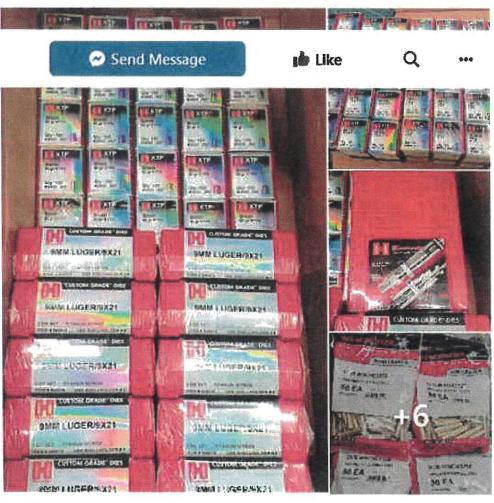
Tons of what you see in the pics as well as a good amount of powda.

Tent opens at 9am for line.

There will be limits so we can spread the goodnessill

See you tomorrow morning!!!

603-948-1519





11 Comments 3 Shares



AUG 0 9 2021



This is what we will have in addition for SALE tomorrow (Sat) morning 10am to 4pm!

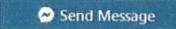
Max 1 box of 9 m m and 2 boxes of 5 5 6 / 2 2 3. We hate to do the maximums, but its the only way to make this work.

We are still working on pricing. These will go extremely fastill

Our heated tent will OPEN at 9am and the shop proper will open at 10am! We will have coffee and donuts in the tent!

See you tomorrow morning!









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8 Comments 10 Shares



AUG U 9 2021



6 G. A

Big rush first thing and ALL THREE of the SECOND PRIZES are STILL AVAILABLESS

OPEN TILL 4PMIII



2A Tactical, LLC

January 30 · 🚯

TODAYi Saturday Jan 30th! 10AM - 4PMi

Our heated tent opens at 9AM with complementary coffee and C E D donutsi

AUG 0 9 2021



Today, Saturday, 10AM - 4PM!

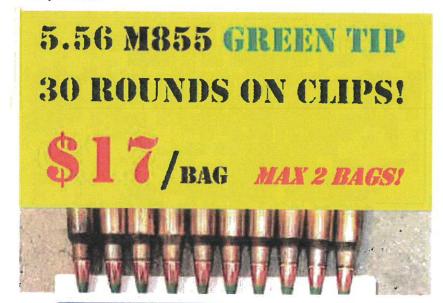
Up to two bags per customer / family.

We only have 2k divided into 30 ro und bags. Do the math, they won't last long! Especially at this type of price gouging:

Our heated tent opens at 9AM with coffee and donuts and the shop proper opens at 10AM!

THIS SALE IS IN STORE ONLY: NO PHONE OR INTERNET ORDERS.

See you soon!









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(1) 22

4 Comments 3 Shares

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AUG 0 9 2021



2A Tactical, LLC 99 Tolend Road Barrington, NH 03825 (603) 948-1519

FOR IMMEDIATE RELEASE

2A Tactical Moving to Newly-Designed Facility on Route 125 in Barrington, NH

March 17, 2021 (Barrington, NH) 2A Tactical, LLC has purchased 4-acres of land across from the 'Kozy's Pizza' Plaza in Barrington and is constructing a 6,000+ square foot facility to house the growing business.

"Our business has grown at a rate that I wouldn't have believed if someone had told me 5-years ago," describes founder Rob Russell. "One of the most frequently asked questions in the shop is 'when are you guys moving into a bigger place!?!" Russell Continued. "... now we have a great answer for them!"

Sergeant First Class (Ret.) Robert W. Russell, a 27-year veteran of The U.S. Army and former police officer formed 2A Tactical as a 1-person operation, working out of his basement. He did so after becoming 100% disabled from injuries sustained during a combat tour in Afghanistan. His goal was simple: continue working with one of his life-long passions... repairing and customizing firearms for friends and family. Six short years later, the 'hobby' has grown into a thriving business, employing several veterans, many of whom are disabled as a result of their service.

2A Tactical is New England's premier gunsmith and AR/pistol custom shop. Their combination of services, product lines and AR build classes make 2A Tactical unique in the industry.

2A has partnered with Unified Building Group (UBG), also from Barrington. NH, to construct the new state-of-the-art facility. The new building will provide expanded services across every department: gunsmithing, retail sales, firearms customization, shipping & receiving and a large 12-bench classroom for instruction. There will also be memorabilia displays and a kid's play area making it truly a 'one-of-a-kind shop'. The new facility will celebrate its' grand opening in early 2022.

ABOUT 2A TACTICAL

2A Tactical is New England's premier gunsmith and AR/Pistol custom shop. The shop offers retail sales of firearms, comprehensive repair and customization services and is one of the largest Silercershop dealers in the country. 2A regularly offers 'AR Build Classes' where students learn how to build their own custom firearms under the supervision of trained experts.

Online at www.2atac.com

Media Contact: Scot Villeneuve. Managing Partner / Marketing Director Scot@2atac.com | (503) 781-1517

AUG U 9 2021

2A TACTICAL

<u>Set as Selected Dealer (https://www.silencershop.com/geoiplocation/index/geolp?id=27780)</u>



2A Tactical is a Disabled Veteran Owned and Operated Gun Store, Gunsmith and NFA Dealer. We are
the largest Gunsmith and one of the largest Cerakoters in New England and there is no service that
we do not offer 2A Tactical has an on-
site Test Fire Room, which allows us to let you hear ANY silencer that we have in stock in person!
Want to hear what that new can you were thinking about buying sounds like? Just ask and at no cost
to you we'll bring you in our test fire room and let you hear the silencer with live ammo!
The great majority of 2A Tactical
employees are either partially or fully Disabled Veterans or current / retired Police Officers. We believe
in "paying it forward" and it's an honor to have these men and women on our team! So come by 2A
Tactical and we promise you'll love the experience!

LOCATION

99 Tolend RD Barrington, NEW Hampshire 03825

PHONE

(603) 948-1519

EMAIL

2atactical@metrocast.net (mailto:2atactical@metrocast.net)

WEBSITE

2atac.com (http://2atac.com)

BUSINESS HOURS

Sunday:

Closed

Monday:

Closed

Tuesday:

10:00 AM - 05:30 PM

Wednesday:

10:00 AM - 05:30 PM

Thursday:

10:00 AM - 05:30 PM

Friday:

10:00 AM - 06:00 PM

Saturday:

10:00 AM - 04:00 PM

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AUG 0 9 2021

LAND USE OFFICE

Live Chat





2A Tactical is the largest Silencer Shop Dealer in NH, VT and MEI

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AUG 09 2021



For those that don't know, we at 2A Tactical are proud to announce that we have officially started another part of our business that we call "2A Brass!"

As many of you know we actively purchase customers shot brass! About six months ago we started a small scale operation processing this brass to be re-sold to the relo ading market. Well our small scale "experiment" was a phenominal success and now we've decided to scale up this operation:

We are currently offering mostly processed 5 5 6 / 2 2 3 , 3 0 0 B \pm K , 9 m m and a few others. For instance, we currently have bags of cleaned, deprimed and polished 5 5 6 / 2 2 3. Right now we have bags of 500 for \$65.

First, before someone crops a JDAM on us, let's explain a few things.

First, this brass is being processed in relatively small batches by a Disabled Veteran Owned and Operated Company that has many Disabled and Fully Disabled Veterans under employment. Not that it matters, but it is what it is.

But ail of that being said, we are still pricing our brass at a price that we believe is very competative. And if you price check online, PLEASE remember to include S&HI

And that brass, at 13 cents each, has been hot water tumbled with stainless steel media and the proper surfactants AT LEAST 3 times prior to depriming. It is then washed the same way at least twice after depriming. Also, every bag of 500 actually has \$15 inside. We make mistakes and might miss something once in a while, so we add 15 extra for a 500 bag.

In case you plan to store the brass, we double seal it and include a dessicant pack in the innermost bag as welli

We plan to offer many more callibers and quantities. We also have a TON of less popular brass that we have been collecting and just haven't processed yet. Have a particular call that you need processed? Just ask if we have it, we'll do up a batch just for you!













35 Comments & Shares



ATACTICAL (https://www.2atac.com/)





AR Build Classes at 2A Tactical!

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AUG 0.9 2021



School is in session with professional instructors:

Our Armalite Rifle (AR) build classes are an awesome way to get you exactly the rife to fit your needs. Our expert instructors will walk you through every aspect from the "barrel to the butt".

Only the best Mil-Spec and aftermarket parts are stocked in our shop, to give you the most durable and accurate pistol or rifle!

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AUG 0 9 2021

are offered for every skill level,
you will get familiar with every
nut, spring, and set screw.

This will yield a truly one of a kind, hand built rifle. "There are many like it, but this one is mine"!



RECEIVED

AUG 0 9 2021

O UGE OFFICE

precautions! We are also taking mail orders! Please call to place an order: (603) 948-1519





NEW EXTENDED Shop Hours!

Tuesday, Wednesday, Thursday: 10am -

5:30pm

Friday: 10am - 6pm

Saturday: 10am - 4pm

Closed Sunday and Monday



LAND USE OFFICE

PARKING AT 2A TACTICAL